Appln. No. 11/172,349
Amendment dated June 2, 2006
Reply to Office Action mailed December 2, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 44 remain in this application. No claims have been cancelled, withdrawn, or added.

Part 1 of the Office Action

Claim 44 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendment to claim 44 is believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claim 44 is therefore respectfully requested.

Parts 2 through 5 of the Office Action

Claims 1, 2, 5 through 8, 12 through 15, 18, 20, 22, 23, 25, 26, 28 through 30, 32, 33, 35 through 37, 43 and 44 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Appleby in view of Morimoto.

Claims 9, 10, 16 and 31 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Appleby and Morimoto as applied to claims 1, 7, 12 and 30 above and further in view of Lau.

Claims 11, 17 and 19 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Appleby, Morimoto and Lau as applied to claims 1, 7 and 12 above and further in view of Miura.

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Claims 3, 4, 21, 24, 27, 34 and 38 through 42 have been rejected under

35 U.S.C. Section 103(a) as being unpatentable over Appleby, Morimoto as

applied to claims 1, 20, 23 and 26 above and further in view of Toyoda.

Claim 1 defines a method and requires "receiving a file on the client

computer, wherein the file is written in *a source format unreadable by the*

client computer" (emphasis added) and "selecting one of the plurality of

servers having the *highest conversion rating* assigned thereto corresponding

to the source format of the received file".

The rejection of the claims in the Office Action alleges that the

Appleby patent discloses the requirements of "receiving a file on the client

computer, wherein the file is written in a source format unreadable by the

client computer" of claim 1, stating (emphasis added):

> As per claims 1, 20 and 26, Ito [sic - Appleby] discloses the
> invention substantially as claimed. Appleby discloses in a computer
> network comprising a client computer and a plurality of servers,
> wherein each server is capable of being assigned at least one
> conversion rating, each conversion rating corresponding to <u>a first file
> format unreadable by the client computer</u> that the respective serve is
> capable of converting into a second file format readable by the client
> computer, a method for selecting one of the plurality of servers
> comprising: receiving a file on the client computer, wherein the file is
> written in a source format unreadable by the client computer [see
> Appleby, Col. 3, lines 42-67 and Col. 4, lines 1-49].

In reviewing the referenced portion of the Appleby patent, it appears that

the rejection is based upon an interpretation of a user being unable to

understand the language of selected text with the claim 1 requirement of a

file having "a source format unreadable by the client computer". However,

nothing in the referenced portion of the Appleby patent would lead one of

ordinary skill in the art to understand that the client computer referenced in

Appleby is *unable to read* the file that is being sent to the Appleby system.

While the user of the client computer may not be able to understand the

language of the text stored in the file, this does not mean that the file

containing the text is "in a source format unreadable by the client

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computer", as required by claim 1. One of ordinary skill in the art recognizes a difference between the user of a client computer being unable to understand the language of a text and a client computer being unable to read a file because of its source format.

In fact, little is said in the referenced portion of the Appleby patent about the handling or analysis of the text that is sent to the translator for translation. It is stated in Appleby at col. 3, lines 36 through 41 that (emphasis added):

> The browser 114 thereby downloads the applet 116 at the beginning of the communications session, as part of a hypertext document from the server 200. The function of the applet 116 is to control the display of received information, and to allow the input of information for uploading to the server 200 by the user, through the browser 114.

Thus, there is little if any description of the function of the applet at the client computer, but it is made clear here that the user inputs information that is uploaded to the server (translator), and there is no evidence that the applet makes any distinction as to whether the source format of a file is readable or unreadable. One of ordinary skill in the art would likely draw the conclusion that it is the user, and not the computer, that recognizes that the text of a file needs to be translated from one language unknown to the user to another, known language that is known to the user. Further, it is stated at col. 4, lines 9 and 10, that:

> A source language text document (stage A) is received by the translator from the client terminal 100.

Again, there is no evidence here that the client computer makes any determination as to the readability of the source format of the file.

It is then conceded in the rejection of the Office Action that:

> However, Appleby does not explicitly disclose selecting one of the plurality of servers having the highest conversion rating assigned thereto corresponding to the source format of the received file.

It is then contended that:

> 8.   In the same field of endeavor, Morimoto discloses (e.g., information processing apparatus connected to a network to translate a document). Morimoto discloses selecting one of the plurality of servers having the highest conversion rating assigned thereto corresponding to the source format of the received file (see Morimoto, column 8, lines 3-13).
> 9.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Morimoto's teachings of an information processing apparatus connected to a network to translate a document with the teachings of Appleby, for the purpose of providing a more efficient way of translating documents into a suitable format by a client system.

While it is agreed that the Appleby patent does not teach this aspect of the claimed invention, it is submitted that one of ordinary skill in the art would not recognize that the allegedly obvious modification of Appleby, to arrive at the claimed feature of "selecting one of the plurality of servers having the highest conversion rating assigned thereto corresponding to the source format of the received file" is obvious. More specifically, the Appleby patent describes a system in which a plurality of client computers feed language translation material to a server/translator, and there is no suggestion that there might be other server/translators that might be able to accomplish the language translation faster. Furthermore, nothing in the description of Appleby patent suggests that the applet on the client computer has any ability to discern what server/translator might be fastest with a conversion.

It is also submitted that the Morimoto patent does not supply the deficiency with respect to the first requirement of claim 1 that is not disclosed in the Appleby patent. As previously noted, the Morimoto patent discusses a system that is directed to a system for selecting a dictionary resource, such as is described in the Morimoto patent at col. 2, lines 16 through 21 (emphasis added):

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It is a further object of the present invention to provide a machine translation method in which a translated sentence of a high quality can be created by <u>retrieving dictionary information through a network</u> even if a processing speed of a dictionary retrieval through the network is not sufficient when a client executes a translation processing.

However, claim 1 requires that "the file is written in *a source format unreadable by the client computer*", while the Morimoto system addresses a situation in which the text of a document on the Internet is written in a language that is not the *user's* language. The Morimoto patent is not concerned with whether the file format of the Internet document is readable by the Morimoto system--clearly the document must be readable by the system or the system could not attempt to translate the language of the document--but rather is simply concerned with accessing dictionaries when an "unknown" word that "cannot be translated" is encountered in the document. See, for example, col. 2, lines 32 through 42 (emphasis added):

> According to the present invention, there is provided a machine translation method of translating a document by using a translation knowledge. The machine translation method comprises the steps of transmitting an inquiry for inquiring a translation knowledge used to translate <u>a syntactic unit containing an unknown word</u> and having a correct grammar to a network <u>when an unknown word that cannot be translated</u> is recognized during a document is translated, continuing translating a syntax following the syntactic unit, and completing the translation of the syntactic unit by using an answer when the answer to the inquiry is received.

Thus, the language translation is performed by a client of the Morimoto system that clearly recognizes and reads the language or format of the document, which is contrary to the requirement of claim 1 that "the file is written in a source format unreadable by the client computer". This is confirmed by the portion of the Morimoto patent referenced in the Office Action at col. 4, lines 49 through 60 (emphasis added):

> As shown in FIG. 1, a plurality of servers 1 and a plurality of clients 11 are connected to a network. <u>Each of the clients 11 is able to execute a translation processing alone by using a client dictionary 14 and a grammar 15.</u> Further, when a translation is executed, the client 11 requests the dictionary server 1 to <u>retrieve dictionary information</u>

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<u>concerning dictionary entries which do not exist on the client dictionary 14, and executes a translation by using both returned dictionary information and the client dictionary 14</u>. The dictionary server 1 receives dictionary information retrieval request <u>concerning a certain dictionary entry</u> from the client 11, and returns dictionary information concerning the above dictionary entry to the client 11.

If the "client" of Morimoto is able to perform the translation alone, then the "file format" is clearly "readable" by the Morimoto client, in contrast to the requirement of claim 1 that "the file is written in a source format unreadable by the client computer". Even in the Morimoto client is unable to translate "dictionary entries which do not exist on the client dictionary", it is apparent to one of ordinary skill in the art that the Morimoto client is able to "read" the file format of the document being translated, and merely requests information about "dictionary entries" that don't happen to be on the client's dictionary, and may not make any requests if all of the words are recognized.

It is also noted that the approach taken by Morimoto is at odds with the approach taken in Appleby. More specifically, while the Appleby system apparently sends all files out to the server/translator for translation, the Morimoto system attempts to perform the translation at the client or local system. Thus, in any allegedly obvious modification of the Appleby system using the Morimoto system, one of ordinary skill in the art is left to decide whether to abandon the remote translation of Appleby for the local translation of Morimoto, upon the belief that a local translation could be faster, or completely abandon the local translation scheme of Morimoto. (Note that the Morimoto patent expresses concerns about the connection speed for communicating with servers in the introduction.)

Further, claim 7 requires "receiving from the selected server the received file written in a conversion format readable by the client computer"; claim 20 requires "receiving a file on the client computer, wherein the file is written in a source format unreadable by the client

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computer"; claim 23 requires "receiving a file on the client computer, wherein the file is written in a source format unreadable by the client computer"; claim 26 requires "receiving a file on the client computer, wherein the file is written in a format unreadable by the client computer"; claim 34 requires "receiving a file on the client computer, wherein the received file is written in a format unreadable by the client computer"; and claim 40 requires "receiving a file on the client computer, wherein the received file is written in a format unreadable by the client computer". In light of the discussion above with regard to the similar requirements of claim 1, it is submitted that these claims are also allowable over the prior art.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Appleby, Morimoto, Lau, Miura, and Toyoda set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1 through 44.

Withdrawal of the §103(a) rejection of claims 1 through 44 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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